



M32671

VIA FEDERAL EXPRESS

Food and Drug Administration
555 Winderley Pl., Ste. 200
Maitland, FL 32751

Ref: Customs Entry No. HM2-0003067-8
Product: Fresh Asparagus

WARNING LETTER

FLA-00-15

December 8, 1999

Mr. Timothy Ryan
President, Consolidated Farms, Inc.
6901 N.W. 41st Street
Miami, Florida 33166-6814

Dear Mr. Ryan:

The Food and Drug Administration (FDA) attempted to examine a shipment of fresh asparagus offered for entry into the United States by your firm on or about November 16, 1999, under the above referenced entry number, and found that the shipment was not available for FDA examination. Title 21, Code of Federal Regulations (21 CFR), Part 1.90 requires the importer to hold an entry intact pending receipt of a "May Proceed" notice or "Notice of Release" from FDA. We have requested the United States Customs Service (Customs) to order redelivery of these shipments (copy enclosed).

Failure to promptly correct this violation and prevent future violations may result in regulatory action without further notice such as seizure, injunction or detention without physical examination of future shipments. It is your responsibility, as the importer, to ensure that imported products meet all requirements of the Federal Food, Drug, and Cosmetic Act and the regulations promulgated thereunder.

We request a response in writing within fifteen (15) working days of your receipt of this letter outlining the specific steps you have taken to correct the violations, including an explanation of each step being taken to prevent the recurrence of the violation. In addition, you should inform Customs and FDA if and when redelivery is accomplished.

Mr. Timothy Ryan
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Your written reply should be addressed to the Food and Drug Administration,
Attention: Benjamin L. England, Compliance Officer, P. O. Box 59-2256, Miami,
Florida 33159-2256.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug D. Tolen". The signature is fluid and cursive, with the first name "Doug" and last name "Tolen" clearly distinguishable.

Douglas D. Tolen

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President, Consolidated Farms, Inc.
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